

***Remarks***

Claims 1-16 and 18-20 have been cancelled without prejudice or disclaimer, and claim 17 has been amended. Applicants reserve the right to file continuing applications directed to the canceled subject matter. New claims 21-36 have been added to claim additional embodiments of the elected subject matter. The new claims are supported by the specification and original claims as filed. More particularly, support for new claims 21-23 (SEQ ID NO:2) can be found, for example, in original claims 13-14, on page 2, paragraph 9 and page 4, paragraphs 20-23. Support for new claims 29-31 (polypeptides encoded by ATCC Deposit No. 97173) can be found, for example, in original claim 13 and on page 4, paragraph 22. Support for new claims 24 and 32 (heterologous) can be found, for example, on pages 11-12, paragraph 60. Support for new claims 25 and 33 (glycosylated) can be found, for example, on page 13, paragraph 67. Support for new claims 26 and 34 (polyethylene glycol) can be found, for example, on page 7, paragraph 40. Support for new claims 27 and 35 (host cells) can be found, for example, on page 9, paragraph 47 to page 13, paragraph 65, and Examples 1-3. Support for new claims 28 and 36 (carrier) can be found, for example, on page 16, paragraph 83. Thus, no new matter has been added.

Claims 17 and 21-36 are pending.

**Provisional Election With Traverse**

Pursuant to the Office Action mailed December 13, 2005, the Examiner has separated the claimed invention into eight groups (i.e., Groups I to VIII). See, Office Action at page 2. The Examiner contends that the inventions of the Groups are distinct, each from the other, and has required an election under 35 U.S.C. § 121. *Id.*

To comply with the pending election requirement, Applicants provisionally elect, with traverse, Group II, drawn to the isolated polypeptide of original claims 13-14 (now cancelled). Applicants submit that new claims 21-36 are also directed to subject matter falling within the scope of Group II as defined by the Examiner. Applicants reserve the right to file one or more continuing applications directed to non-elected inventions should the restriction requirement be made final.

Applicants respectfully traverse the present restriction requirement. A restriction requirement should not be imposed unless it can be shown that the search and examination of all groups would entail a "serious burden." See M.P.E.P. § 803. In the present

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situation, a search of polypeptide claims would provide useful information for the claims in other related groups. For example, a search of CCN-like growth factor polypeptides would inherently provide relevant information for the other claim groups such as CCN-like growth factor polynucleotides, antibodies, and methods of using the same. Accordingly, since a search of the claims of Group II would overlap with a search of Groups I and Groups III-VIII, a search of claims drawn to the claimed embodiments of CCN-like growth factor (e.g., polynucleotides, polypeptides, antibodies and methods of using the same) would not impose a serious burden. Therefore, it is respectfully requested that the restriction requirement be withdrawn.

#### *Conclusion*

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicants would expedite the prosecution of this application.

If there are any additional fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the appropriate fee should also be charged to our Deposit Account.

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Respectfully submitted,

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